

### **REMARKS**

In the Advisory Action dated May 19, 2008, the examiner indicated that Applicant's response dated May 5, 2008, was not entered. Applicants therefore respond again to the Office Action dated February 5, 2008, as well as to the Advisory Action.

Applicant has amended claims 1, 8, 10, 12, 13, and 19.

#### **Rejections under 35 U.S.C. § 112**

We have addressed the rejection by amending claim 12 to depend on claim 10.

#### **Rejections under 35 U.S.C. § 102**

In the Office action, the examiner rejected claim 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,99,639 to Kado (Kado). Applicant has amended the claim to recite "adjusting an orientation of the three dimensional facial image with respect to the viewpoint," (emphasis added) rendering moot the rejection in the Office action, and the examiner's "Argument 1" in the advisory action, both of which concern the definition of the word "pose."

In "Argument 2" of the Advisory Action, the examiner maintained that, even if adjusting a "pose" of the facial image were defined as geometrically adjusting the head shown in the image, the claim would still be anticipated by Kado because Kado discloses a relative shift between a face and the face's lighting, which he alleged could be an example of a pose adjustment. However claim 8 requires adjusting the "orientation of the three dimensional facial image with respect to the viewpoint," [emphasis added] which is clearly not the same as an adjustment that merely changes the relative position between a head and its lighting. As an example of the difference, consider a part of the face, such as the nose in an image captured from a 45 degree angle. An adjustment of the lighting of the nose may alter the shading and color of the nose, but cannot alter the shape of the nose in the image, which remains at a 45 degree angle. However, an adjustment of the orientation of the nose with respect to the viewpoint changes the angle of the nose, so that it could, for example,

appear face on, which corresponds to a change in the shape of the nose in the image. Nowhere in Kado is there even a mention of adjusting a three dimensional facial image with respect to a viewpoint from which the image was captured.

In view of the above, Applicants believe that claim 8 is not anticipated by Kado. Independent claims 1, 13, and 19 each contain limitations that are analogous to those of claim 8. Therefore Applicants believe that claims 1, 13, and 19, and dependent claims 3-5, 7, 9, 10, 12-15, 17, 18, and 20 are not anticipated or rendered obvious by Kado.

In view of the above, Applicants believe the pending application is in condition for allowance.

Please charge the \$405.00 RCE fee and the \$60.00 fee for a one month extension of time, or credit any overpayments to our Deposit Account No. 08-0219, under Order No. 0291359.00126US2 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: June 5, 2008

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